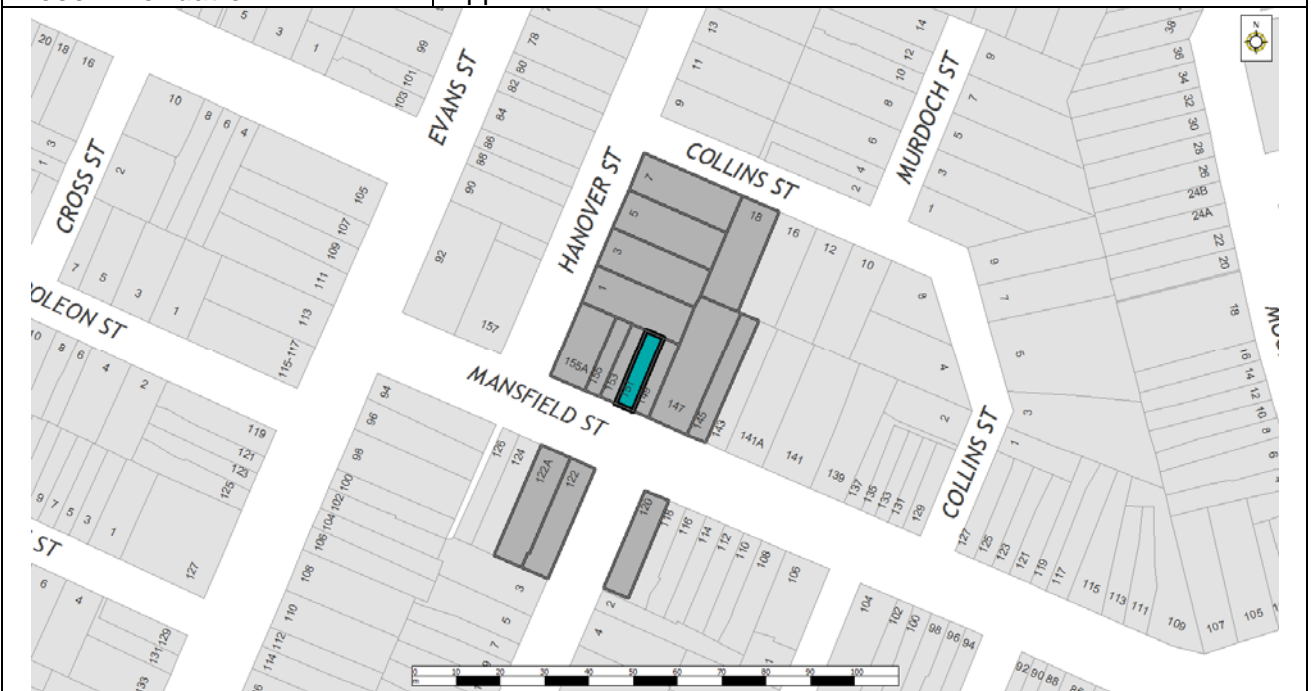




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2016/545
Address	151 Mansfield Street, ROZELLE NSW 2039
Proposal	Alterations and additions to ground and first floor at rear of existing dwelling.
Date of Lodgement	20 October 2016
Applicant	Rmg Design Practice
Owner	Mr P Lum and Mrs Y Lum
Number of Submissions	Nil
Value of works	\$95,000
Reason for determination at Planning Panel	Clause 4.6 variation Exceeds officer delegation,
Main Issues	Departure from Floor Space Ratio and Site Coverage Development Standard, Site Layout and Building Design.
Recommendation	Approval



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to ground and first floor at the rear of the existing dwelling at 151 Mansfield Street, ROZELLE. The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- Departure from Floor Space Ratio and Landscaped Area Development Standards.
- Site Layout and building Design.

The non-compliances are acceptable given the proposal does not unreasonably impact the existing streetscape or affect the amenity of the surrounding residential properties (subject to conditions) whilst meeting the needs of a growing family, and therefore the application is recommended for approval.

2. Proposal

The proposal seeks approval for alterations and additions to ground and first floor at rear of existing dwelling. The proposal includes the following components:

Ground Floor

- No changes to the entry and front façade.
- Internal alterations involve relocating the existing bathroom and laundry from the rear and placing them along the western wall of the dwelling.
- A new living area is proposed at the rear, facing north. The rear wall will be aligned with the rear walls of the adjoining terraces on both sides and small area infilled for functionality of the living area.

Studio Level

- The new studio space is located above the rear living space. It is located at a mid-level in the building. This is possible due to the sunken living area below which can be accommodated within existing ground levels.
- It has an opening to the north and a small balcony.

First Floor

- New staircase to connect the ground floor and first floor.
- Internal alterations
- No change to front elevation or location of the rear wall.

3. Site Description

The subject site is located on the northern side of Mansfield Street. The site consists of one allotment and is regular shaped with a total area of 71.4m² and is legally described as Lot 4 DP 786915.

The site has a frontage to Mansfield Street of 3.8 metres. The site is affected by a number of easements including easements for support (party walls on both sides) and sewerage.

The site supports a one and two storey attached brick dwelling with metal roof. The adjoining properties support similar style one and two storey brick dwellings, where the subject site forms part of a row of like terraces.

The property is located within a heritage conservation area.

There is currently a small Frangipani approx. two metres tall in the rear garden and there are currently two trees located at the rear of 153 Mansfield Street.

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
D/2003/369	Alterations and additions to the rear of an existing dwelling.	Approved – 29/09/2003

Surrounding properties

149 Mansfield Street

Application	Proposal	Decision & Date
D/1998/194	Alterations and additions to rear of existing residence - demolish existing laundry and bathroom, construct new deck to first floor bedroom, bathroom, laundry and kitchen.	Approved – 13/05/1999

4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter/ Additional Information
22-Nov-2016	Council wrote to the Applicant seeking additional information/amended plans summarised as follows; <ul style="list-style-type: none"> Detailed Site Plan. Clause 4.6 Exception for Landscaped Area Development Standard. Inadequate Stormwater Management.
07-Dec-2016	The Applicant submitted amended plans/additional information addressing the above matters raised by Council, summarised as follows; <ul style="list-style-type: none"> Amended stormwater plans. Clause 4.6 Exception to landscaped area development standard*. Amended site plan with additional landscaping proposed.

***Note:** the amended site plan demonstrates compliant soft landscaping (11sqm), thus justification for non-compliance under Clause 4.6 is no longer warranted in this instance.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64 – Advertising and Signage

- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with SEPP 55 and is suitable for the continued residential use.

5(a)(ii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application which satisfactorily addresses the requirements of the SEPP (BASIX).

5(a)(iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

5(a)(iv) Leichhardt Local Environment Plan 2013 (LLEP 2013)

The application was assessed against the following relevant clauses of the Leichhardt Local Environmental Plan 2013:

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.9 – Preservation of trees or vegetation
- Clause 5.9AA – Trees or vegetation not prescribed by development control plan
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.4 – Stormwater management

The following table provides an assessment of the application against the development standards:

Standard	Proposal	% of non-compliance	Compliances
Floor Space Ratio Maximum: 0.7:1 or 50m ²	1.2:1 or 87m ²	74	No
Landscape Area Minimum : 15% or 10.7m ²	15.4% or 11m ²	Nil	Yes
Site Coverage Maximum: 60% or 42.84m ²	66% or 47m ²	10%	No

The following provides further discussion of the relevant issues:

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standards:

- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio

Clause 4.6(2) specifies that Development consent may be granted for development even though the development would contravene a development standard.

1. *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
2. *Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*

Comment: The application requests that development consent be granted for the development even though the proposal will contravene the maximum floor space ratio and site coverage development standards prescribed under Part 4 of Leichhardt Local Environmental Plan 2013.

3. *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: The applicant has submitted a written request outlining why compliance with the development standards is unnecessary and unreasonable in this case, and has provided sufficient environmental planning grounds to justify a variation to the FSR and Site Coverage development standards:

FSR:

- The proposal has minimal potential for impact and does not unreasonably reduce the amenity of adjoining properties or the public domain. Importantly the minor exceedance of FSR does not materially alter the impact of the development on the

surrounding environment. Due to the favourable orientation, there is very minor overshadowing of neighbouring properties however they retain very good solar access to the rear (north). The creation of a mid-level studio ensures that the open space of the site is retained while the overall height and presentation of the dwelling to the rear is essentially retained from outside the site. There is no impact on the front elevation.

- The visual character of the development is consistent with other development in the area and requiring compliance with the FSR control would not alter the character of the proposed development.
- The proposal complied with site cover and landscaped area controls. The proposal will provide a superior outcome for the occupants with increase amenity and better connectivity between the inside and outside spaces.
- The existing terrace already has an FSR of 1.02:1 and the proposal is to add 13.7 square metres of floor area, some of this involves the re alignment of the ground floor wall which in turn creates a superior internal amenity within the dwelling which should be supported. The remainder of the floor area is for a studio of 10square metres which sits on top of the ground floor and is in line with the existing rear BLZ.

Site Coverage:

- The proposal achieves the objectives of the landscape control.
- The proposal provides for an ample area of landscaped outdoor area for the enjoyment of the residents. This includes both hard and soft landscaped areas.
- Landscaped corridors between adjoining properties is not characteristic of this street.
- The proposed development is characteristic of development elsewhere in the street.
- The density of the proposal is consistent with the surrounding development and does not result in any adverse outcome for surrounding properties.
- One of the objectives of Clause 4.6 is to allow better outcomes to be achieved. The reduction of site cover would not result in a better planning outcome in this case. The current design already allows for a landscaped area for each site in excess of the minimum requirements.
- There is no adverse impact upon the surrounding developments as a result of an additional
- 3.5sqm of site cover due to the realignment of the back wall of the dwelling to provide for a better outcome internally.
- The insistence on compliance would merely decrease the internal functionality of the dwelling for no environmental gain.

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) *the consent authority is satisfied that:*

- the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) *the concurrence of the Secretary*

Comment: The proposal is considered to satisfactorily demonstrate that strict application of the FSR and Site Coverage development standards is unreasonable and unnecessary in this instance, and that sufficient environmental planning grounds exist to justify a variation to the above development standards.

As discussed in detail further in the report, the proposed alterations and additions to the dwelling do not result in any unreasonable amenity impacts to the surrounding residential properties with particular respect to visual and acoustic privacy, view sharing or solar access. The proposal is generally consistent with the distinctive neighbourhood controls, and does not result in an overbearing development. Accordingly the application in its current form

is consistent with the objectives of the residential zoning and FSR and Site Coverage development standards, and is therefore supported in this regard.

The concurrence of the Secretary is not required in this instance.

(5) *In deciding whether to grant concurrence, the Secretary must consider:*

(a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

Comment: The granting of concurrence to the proposed variation of the development standard will not raise any issues of state or regional planning significance.

(b) *the public benefit of maintaining the development standard, and*

Comment - The proposed variation to the development standard will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is no material public benefit to the enforcing of the development standards.

(c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

No other matters are required to be considered before granting concurrence.

5(b) Draft Environmental Planning Instruments

The application has been assessed against the relevant Draft Environmental Planning Instruments listed below:

- Draft Leichhardt Local Environment Plan 2013 (Housekeeping amendment)

Draft Leichhardt Local Environment Plan 2013 (Housekeeping amendment)

The Draft Leichhardt Local Environment Plan 2013 – (Housekeeping amendment) commenced exhibition on 1 September 2015 and is therefore a matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

The items included in the draft LEP Housekeeping Amendment are:

- Amendment of Clause 6.8 (Development in areas subject to aircraft noise) to allow Council to exercise greater discretion in relation to noise attenuation for particular developments.
- Amendment to the Land Use Table for the RE1 Public Recreation zone to allow restaurants and cafes as permissible with consent.
- Amendment of Schedule 1 Additional Permitted Uses to include 44-46 Smith Street, Rozelle (Lots 1 & 2 DP 782330, Lot 1 DP 782348 & Lot 1 DP 228261).
- Amendment to the Heritage Map Sheet 007 to correctly identify the location of State listed Balmain Hospital Main Building (Heritage Item No. I138) within the Balmain Hospital Complex (Lot 11 DP 1006912 & Lot 1 DP 1012848).
- Rezone portions of 77 Taylor Street and 148 Wigram Road, Annandale (Part Lot 1 DP 1185598 and Lot 2 DP 1185598) from R1 General Residential to RE1 Public Recreation and associated mapping amendments.
- Rezone part of Leichhardt Park (part of Lot 6643 DP 1137663) that is adjacent to the western boundary of 9 Bayview Street, Lilyfield from R1 General Residential to RE1 Public Recreation and associated mapping amendments.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
Suburb Profile	
C2.2.2.4 The Valley (Rozelle), Balmain	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes

C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	No
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	N/A
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C1.12 Landscaping and C1.14 Tree Management

A site inspection was undertaken on 09/11/2016. There is currently a small Frangipani approx. two metres tall on the subject site. It is unlikely to be impacted upon (nor require protection) as no works are proposed near it. Additionally there are currently two trees located at the rear of 153 Mansfield Street. These are unlikely to be affected by the development and therefore no conditions are recommended.

C3.2 Site Layout and Building Design

Building Location Zone

The proposed ground floor rear alignment is consistent with those of the immediate adjoining properties (as shown in Fig. 1 below). Notwithstanding, the first floor rear alignment, although further recessed into the ground floor than those of the adjoining properties (Fig. 2), results in a technical breach of approx. 4m as taken from the average rear first floor alignments of No. 153 and No. 149 Mansfield Street.

The non-complying and highest elements of the development will be directly adjacent to the built form of these immediate adjoining properties and thus will have minimal amenity impact with respect to bulk and scale, overlooking and overshadowing. Given that it is recessed into the ground floor level, the first floor extension is only 1.7m above the ground floor roof of No. 153 Mansfield and 1.83m above that of No. 149 Mansfield Street. Furthermore, the proposal provides for sufficient landscaping and private open space in the rear garden, thus the departure from the BLZ is considered acceptable where the objectives of the Clause are achieved.

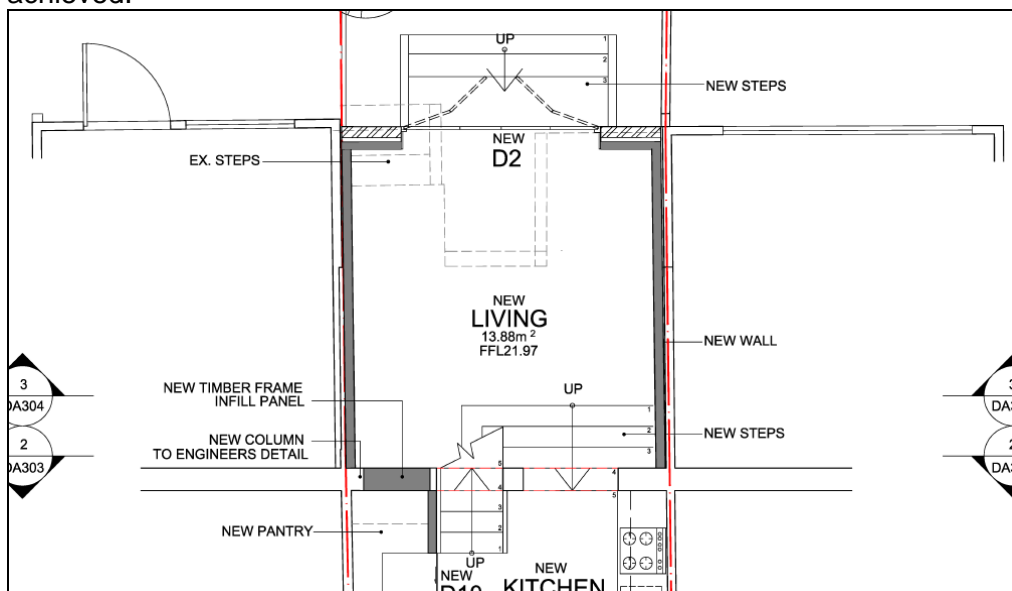


Fig.1 Extract from the submitted Floor Plan showing proposed new ground floor extension in line with those of the immediate adjoining properties.



Fig.2 Photomontage of proposed rear elevation showing first floor extension further recessed into ground floor addition in comparison to the adjoining properties.

Side Setbacks

The proposal seeks to breach the side setback control graph identified in this Clause where it seeks to construct a two storey extension to both side boundaries reaching 5m in height (measured from existing natural ground level). Pursuant to the sliding scale requirements of the control, this wall height requires a 1.3m setback from the side boundary, thus presents a non-compliance of 1.3m. As discussed above under BLZ, the non-complying and highest elements of the development will be directly adjacent to the built form of these immediate adjoining properties, and is sunken into the ground floor level, and thus will have minimal neighbourly amenity impacts with particular respect to bulk and scale, overlooking, view loss and overshadowing.

Summary

Relevant to the abovementioned technical non-compliances with the side setback and BLZ, controls C3 and C8 of the Clause stipulates that in the following event of any proposed variation to these controls, the onus is on the applicant to demonstrate that the proposed building is consistent with the pattern of development in the immediate locality and will not unreasonably impact upon the amenity of the adjoining properties, with particular regard for bulk and scale, visual privacy, overshadowing and view loss. Within the Statement of Environmental Effects submitted with the proposal, the Applicant has contended that compliance is unreasonable for the following reasons;

- *The proposal is for nil setbacks along the side boundaries which is typical for terrace style dwellings.*
- *The proposal is appropriate given the character of this section of the street which has either nil setbacks to boundaries or very narrow passageways along the boundaries.*
- *The proposal has soft landscaped areas to the front and rear.*
- *The proposed two (2) storey development is compatible with the adjoining developments. The overall height does not change. The new studio is at mid level and will be largely screened from the adjoining properties.*

It is considered that the proposal achieves the above test for the reasons provided by the Applicant and the following additional reasons;

- The areas where the proposal breaches the BLZ and side setback controls will not result in any adverse amenity impacts to neighbouring properties, including view loss, solar access, visual privacy (subject to condition) and bulk and scale.
- The side setbacks proposed are commensurate to those in the immediate and wider vicinity; where lot widths are particularly narrow and shallow, thus warrant building to side boundaries.
- The proposal retains the Distinctive Neighbourhood Character of The Valley (Rozelle)
- The proposal has been designed to minimise overall height and bulk by way of sinking the first floor extension into the ground floor of natural existing ground level, stepped rear elevation, minimised wall and ceiling heights and low profile roof forms to the first and ground floors.

C3.11 Visual Privacy

The proposal seeks to provide a small balcony to the rear first floor elevation serving the proposed studio and thus provides additional overlooking opportunities to neighbouring properties. The balcony is proposed to be screened at both side elevations with a 1m depth x 2m length. Control C9 of the Clause requires a maximum length of 2m and depth of 1.2m to balconies at first floor level or above at the rear of residential dwellings and thus the dimensions of the balcony will ensure that it shall serve only as a “breakout” space to the studio, where it will not be significantly trafficable and will not be used to a high volume during the day. An additional condition is recommended in the draft determination for the balustrade to the balcony to be constructed of opaque glazing to ensure that overlooking from within the studio to adjoining properties is minimised.

E1.2.2 Managing Stormwater within the Site & E1.2.5 Water Disposal

The stormwater drainage concept plan prepared by Green Arrow Hydraulics adequately demonstrates that all roof runoff can be drained by gravity to the kerb and gutter in Mansfield Street; however concern was initially raised that the extent of the existing paved area at the rear of the property provides no restriction to the volume of direct surface runoff that drains to the neighbouring properties. In this regard, support is given to the provision of soft landscaping at the rear boundary, as recommend on planning grounds, as this will allow for some absorption surface flows.

The amended plans indicated that the existing paved courtyard at the rear of the property is to be partially turfed. As previously advised, this would reduce the volume of direct surface runoff that drains to the neighbouring properties.

It is also noted that an amended stormwater has been provided. The proposal is supported subject to standard conditions.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(e) The suitability of the site for the development

The site is zoned R1 – General Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Part A, Section 3 of LDCP 2013 for a period of 14 days to surrounding properties. No submissions were received.

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Development Engineer
- Landscape

6(b) External

The application was not required to be referred to any external authorities.

7. Section 94 Contributions

Section 94 contributions are not payable for the proposal.

8. Conclusion

The proposal does not comply/generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape.

9. Recommendation

That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2016/545 for alterations and additions to ground and first floor at rear of existing dwelling at 151 Mansfield Street, ROZELLE subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

- Development must be carried out in accordance with Development Application No. D/2016/545 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
DA101/A – Existing Ground Floor Plan	RMG Design Practice	March 2016
DA102/A – Existing First Floor Plan	RMG Design Practice	March 2016
DA103/A – Ground Floor Plan	RMG Design Practice	March 2016
DA104/A – Studio Level Floor Plan	RMG Design Practice	March 2016
DA105/A – First Floor Plan	RMG Design Practice	March 2016
DA106/A – Roof Plan	RMG Design Practice	March 2016
DA201/A – Existing Terrace House Mansfield Street Facade	RMG Design Practice	March 2016
DA202/A – North Elevation	RMG Design Practice	March 2016
DA301/A – Section 1	RMG Design Practice	March 2016
DA302/A – Section 2	RMG Design Practice	March 2016
DA303/A – Sections 3	RMG Design Practice	March 2016
DA304/A – Sections 4	RMG Design Practice	March 2016
H-01/A – Cover Sheet & Site Survey	Green Arrow	27.06.2016
H-02/B – Ground Floor, First Floor & Roof Plan	Green Arrow	30.11.2016
Document Title	Prepared By	Dated
Structural Assessment	D.J.Hall – Consulting Civil and Structural Engineer	17 October 2016
BASIX Certificate No. A246663	Integreco	28 April 2016

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

- Consent is granted for the demolition in accordance with the Approved plans scheduled under Condition 1 of this development consent, currently existing on the property, subject to strict compliance with the following conditions:
 - The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.

- b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
- i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

NOTE: If Council is nominated as your Principal Certifying Authority 24 - 48 hours notice to carry out inspections is required. Arrangement for inspections can be made by phoning 9367 9222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to

existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.

- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

- 3. Amended plans are to be submitted incorporating the following amendments:
 - a) Balustrade of rear first floor balcony serving the studio is to be constructed of opaque glazing.
 - b) A minimum of 11m² soft landscaping is to be provided in the rear courtyard adjacent to rear boundary

Details demonstrating compliance with the requirements of this condition are to be marked on the plans and be submitted to the Principal Certifying Authority's satisfaction prior to the issue of any Construction Certificate.

- 4. Prior to the issue of a Construction Certificate, Architectural Plans accompanied by a Structural Certificate must be provided to the Principal Certifying Authority. The Certificate must verify that the architectural plans that are the subject of the Construction Certificate application do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to the consent authority and all owners of the party walls.
- 5. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:

- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. 216-1525 H-02 Revision B prepared by Green Arrow Hydraulics dated 30 November 2016.
- b) Stormwater runoff from all roof areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or directly into Council's piped drainage system. Charged or pump-out stormwater drainage systems are not permitted.
- c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- d) The proposed balconies and their associated drainage systems must be designed in accordance with the following criteria:
 - i) The finished surface level of the courtyard(s) must be not less than 150mm below the adjacent internal floor level(s).
 - ii) The sag pit(s) and associated pipe drainage system draining the courtyard(s) must be designed to capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlets and 50% blockage of the pipes. The design must cater for any potential overflow from the roof gutters or downpipes in the vicinity of the courtyard.
 - iii) The inlets for the sag pit(s) draining the courtyard(s) must be designed in accordance with Clause 5.4.10.1 of Australian Standard AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage to ensure that the maximum ponding level over the sag pit(s) is not less than 150mm below the adjacent internal floor level(s).
- e) All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage
- f) Plans must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- g) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- h) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- i) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

6. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
- i) 10:00pm to 7:00am on Monday to Saturday: and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

7. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
8. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
- a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
 - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
 - c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

9. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:
- a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any

plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

10. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

11. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.
12. The existing unpainted brick surfaces are not to be painted, bagged or rendered but to remain as original brick work. The Construction Certificate plans must clearly depict all original brickwork with a notation that they are to remain unpainted to the satisfaction of the Principal Certifying Authority.
13. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
 - a) Must preserve and protect the adjoining building from damage
 - b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

14. The following fire upgrading is required pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*:
 - The building is to be provided with smoke alarm system that complies with *AS3786-1993: Smoke Alarms* and the smoke alarms must be connected to the consumer mains electrical power supply and interconnected where there is more than one alarm with a stand-by (battery back-up) power supply. The smoke alarm system must be installed in suitable locations on or near the ceiling in accordance with Part 3.7.2 of the Building Code of Australia.

Amended plans and specifications demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority with the application prior to the issuing of a for a Construction Certificate.

Note: Where an existing system complying with the above requirements is already installed in the building, evidence of this should be submitted with the application for a Construction Certificate.

15. A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

16. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater–Soils & Construction Volume 1 (2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:

- a) Minimise the area of soils exposed at any one time.
- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Preserve existing vegetation. Identify revegetation technique and materials.
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

17. The approved plans must be checked online with Sydney Water Tap In to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. A copy of this approval must be supplied with the Construction Certificate application. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

The Certifying Authority must ensure that the appropriate approval has been provided prior to the issue of a Construction Certificate.

18. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):
- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.
 - c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
 - d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
 - e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

19. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
- a) Estimated volume (m3) or weight (t) of materials that are reused, recycled or removed from site.
 - b) On site material storage areas during construction.
 - c) Material and methods used during construction to minimise waste.
 - d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
 - e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)

20. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works.

Security Deposit (FOOT)	\$ 2075.50
Inspection fee (FOOTI)	\$219.00

Payment will be accepted in the form of cash, bank cheque or EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent road reserve & footpath prior to & on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

A request for release of the security may be made to the Council after all construction work has been completed and a Final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

- 21. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works commencing on the site or the issue of a Construction Certificate (whichever comes first). The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property
149 Mansfield Street Rozelle
153 Mansfield Street Rozelle

If excavation works are proposed the dilapidation report must report on the visible and structural condition of neighbouring structures within the zone of influence of the excavations. This zone is defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report is to be prepared by a practising Structural Engineer. All costs incurred in achieving compliance with this condition shall be borne by the applicant. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written correspondence from the owners of the affected properties or other evidence must be obtained and submitted to the Principal Certifying Authority in such circumstances that demonstrates such documentation has been received. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

- 22. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)

- a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
- b) A concrete pump across the roadway/footpath. – A Standing Plant permit
- c) Mobile crane or any standing plant – A Standing Plant Permit
- d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
- e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
- f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
- g) Awning or street verandah over footpath. – Road works Application
- h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

23. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- a) location of the building with respect to the boundaries of the site;

24. The site must be secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

25. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.

A copy of the certificate of insurance must be submitted to the Certifying Authority prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to the Certifying Authority.

In all other cases, written notice must be given to the Certifying Authority of:

- a) the name and licence number of the principal contractor; and
- b) reasons why a certificate of insurance is not required.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

26. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
27. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
28. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
29. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - c) The name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.

DURING WORKS

30. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

31. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage.
- b) If necessary, underpin and support the building in an approved manner.
- c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.

32. The site must be appropriately secured and fenced at all times during works.
33. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.

34. Excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

35. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
36. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
37. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
 - a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
38. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
39. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be

in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.

40. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

41. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

42. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:

- Compare the post construction report with the pre-construction report required by these conditions,
- Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

43. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

44. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
45. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.
46. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

47. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
 - the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

ONGOING CONDITIONS OF CONSENT

48. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
49. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
50. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. Dwelling without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a *Dwelling* is defined under the *Leichhardt Local Environmental Plan 2013*.

PRESCRIBED CONDITIONS

A. BASIX Commitments

Under clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:

- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

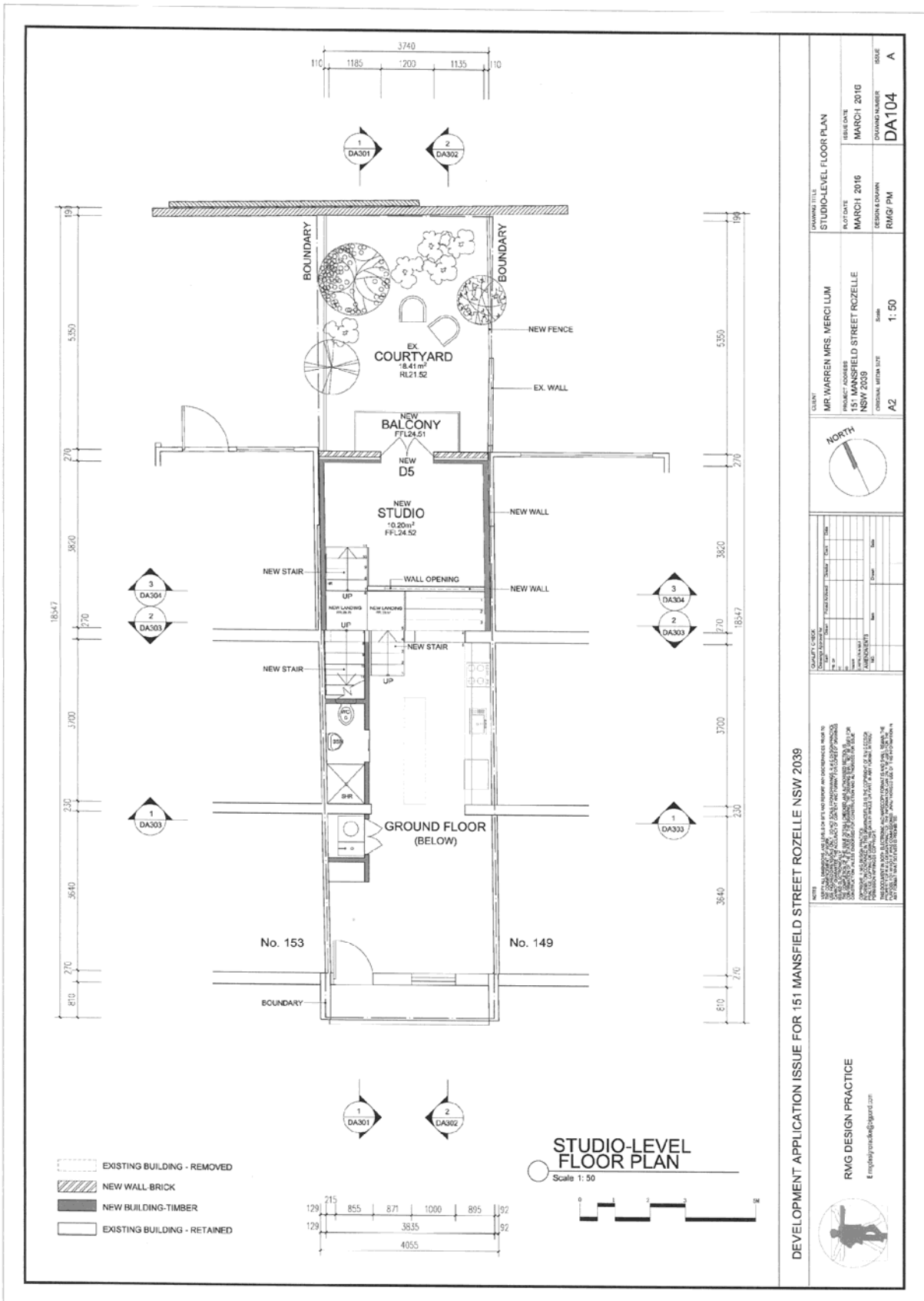
E. Condition relating to shoring and adequacy of adjoining property

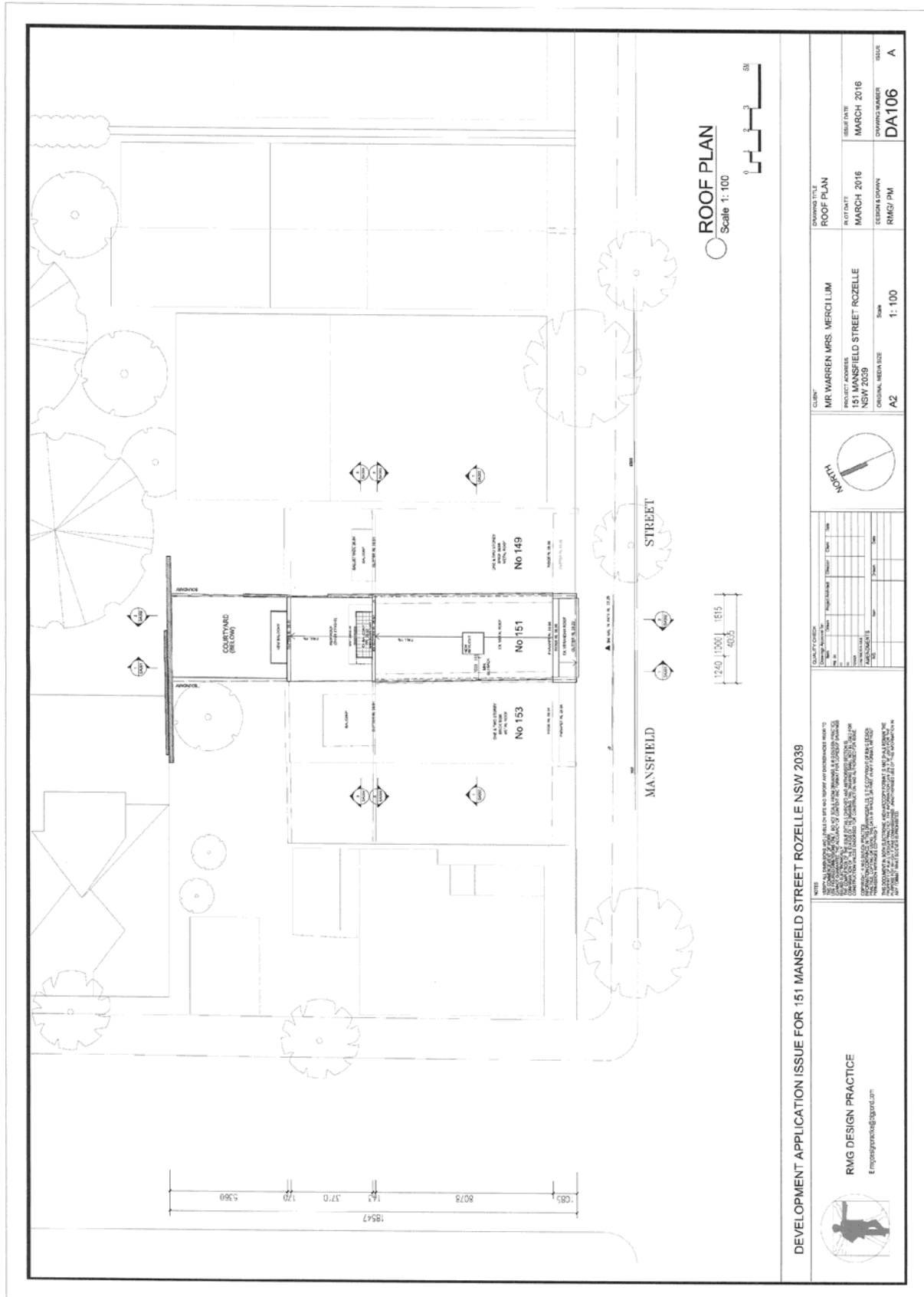
- (1) For the purposes of [section 80A](#) (11) of [the Act](#), it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

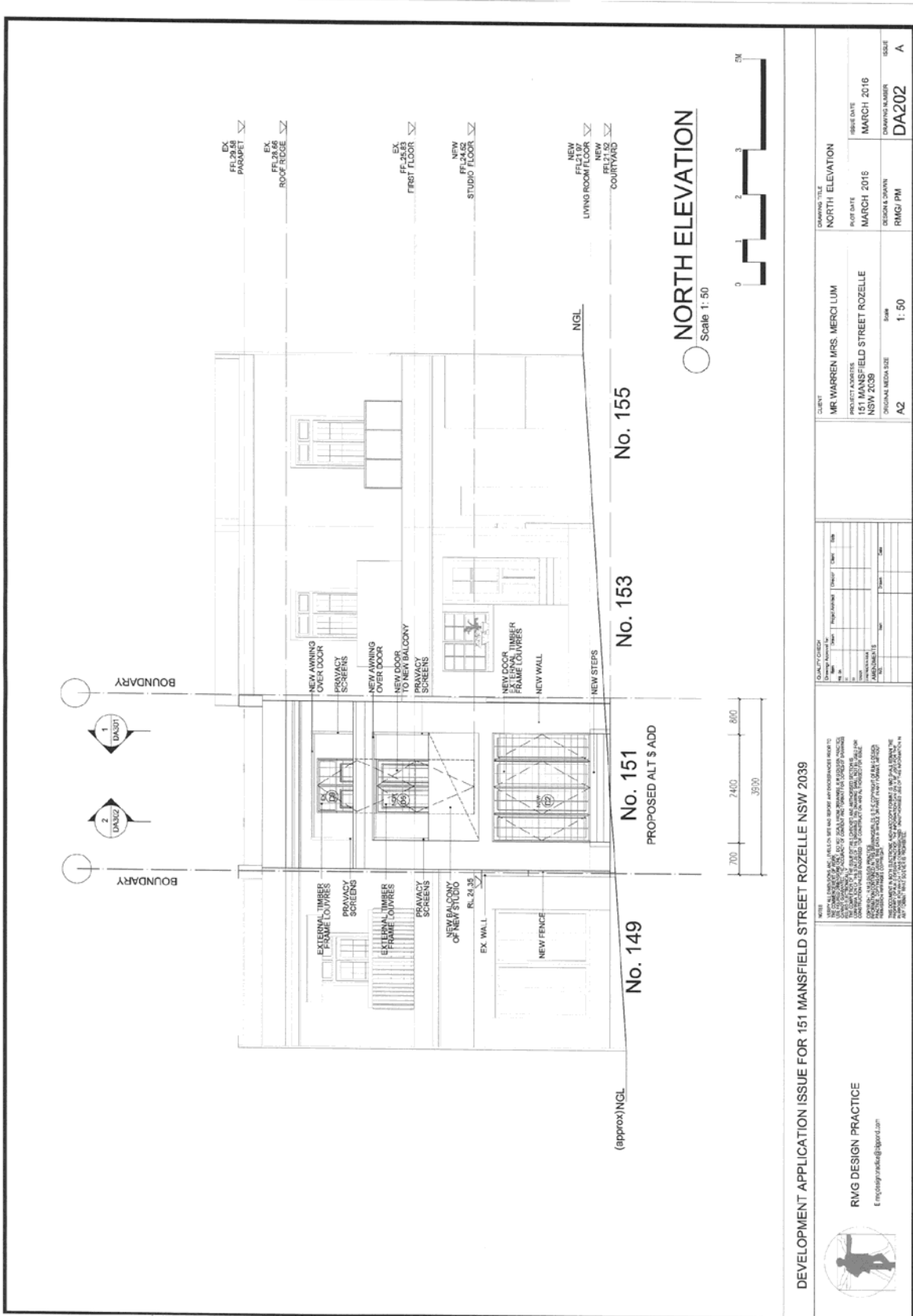
NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 82A.
3. If you are unsatisfied with this determination, Section 97 of *the Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
 - a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.

- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
 - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.







DEVELOPMENT APPLICATION ISSUE FOR 151 MANSFIELD STREET ROZELLE NSW 2039

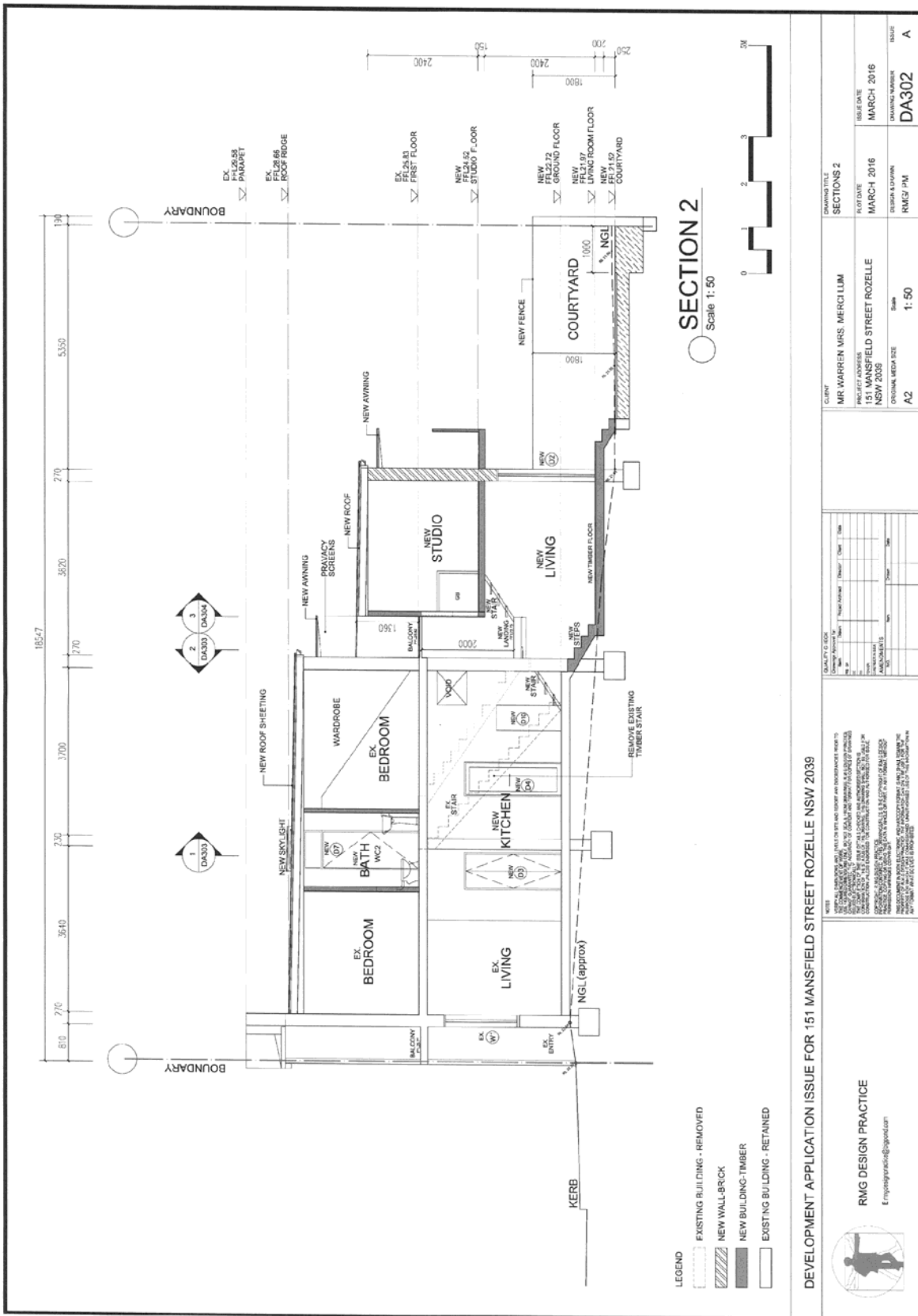


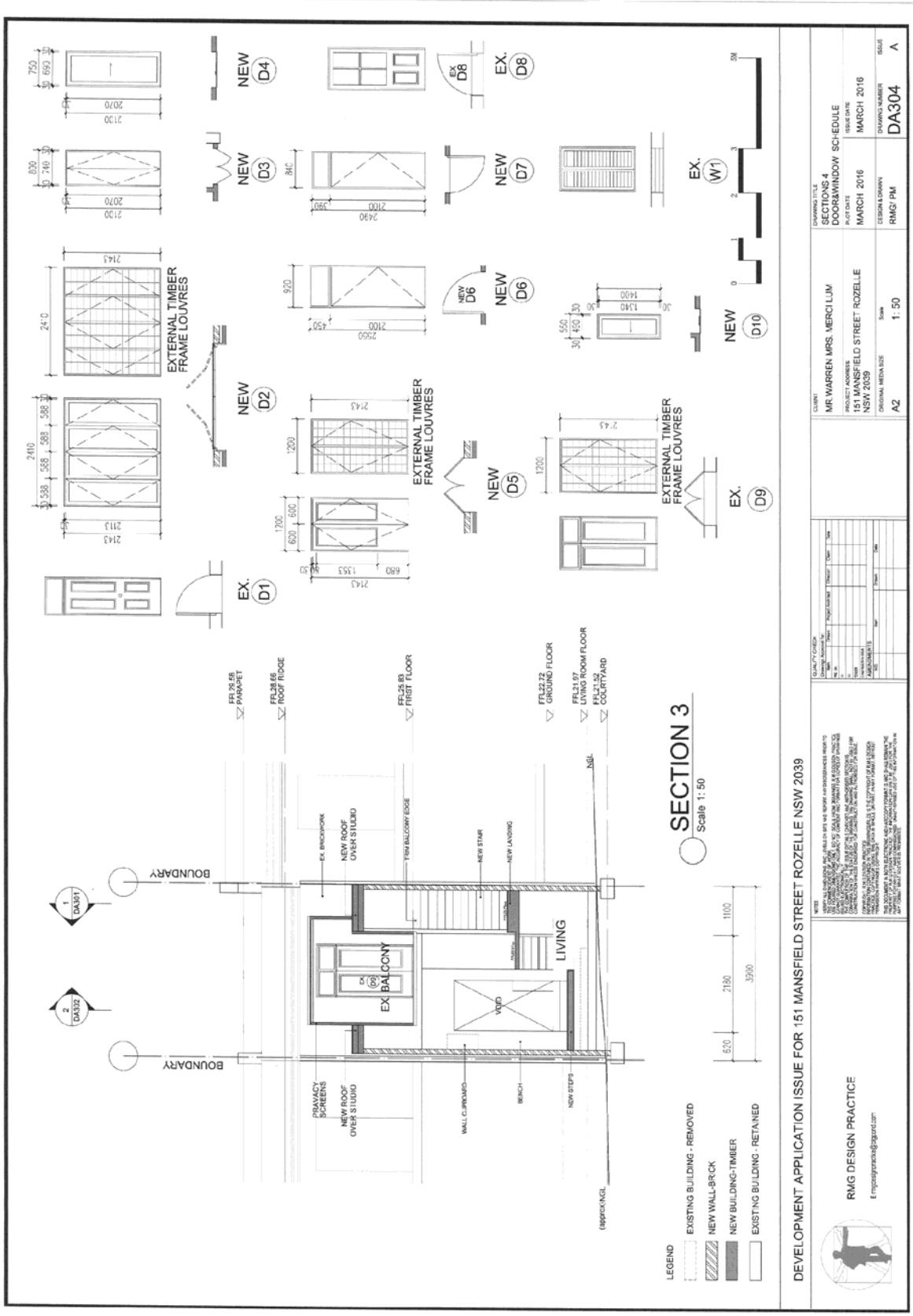
RMG DESIGN PRACTICE
 E: enquiries@rmgdesign.com

NOTES:
 1. THIS DEVELOPMENT APPLICATION IS FOR THE PROPOSED ALTERATION TO THE EXISTING BUILDING AND DOES NOT INCLUDE THE PROPOSED ALTERATION TO THE EXISTING BUILDING AS SHOWN IN THE EXISTING ARCHITECTURAL DRAWINGS.
 2. THE PROPOSED ALTERATION TO THE EXISTING BUILDING IS SHOWN IN THE EXISTING ARCHITECTURAL DRAWINGS.
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 5. THE PROPOSED ALTERATION TO THE EXISTING BUILDING IS SHOWN IN THE EXISTING ARCHITECTURAL DRAWINGS.

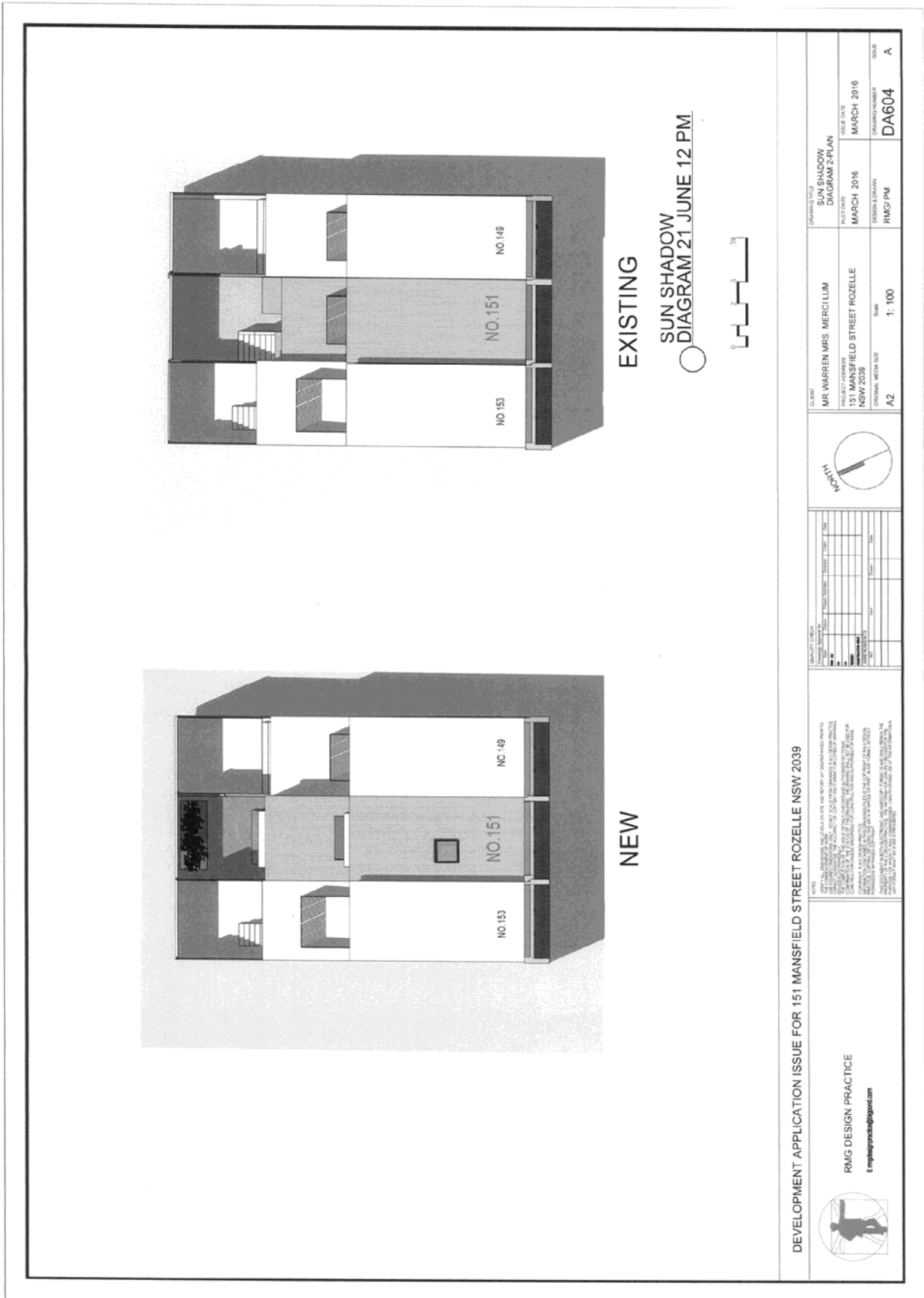
DATE	DESCRIPTION	BY	CHECKED

CLIENT	MR WARREN MRS. MERCI LUM	ARCHITECT	RMG/PM
PROJECT ADDRESS	151 MANSFIELD STREET ROZELLE NSW 2039	DESIGN DATE	MARCH 2018
ORIGINAL MEDIA SIZE	A2	DESIGN NUMBER	DA202
SCALE	1:50	DRAWING NUMBER	DA202
DATE OF ISSUE		SCALE	





<p>CLIENT: MR WARREN MRS. MERCI LUM</p> <p>PROJECT ADDRESS: 151 MANSFIELD STREET ROZELLE NSW 2039</p> <p>CONSULTANT: RMG/PM</p> <p>SCALE: 1:50</p> <p>DATE: MARCH 2016</p> <p>ISSUE DATE: MARCH 2016</p> <p>ISSUE NO: 1</p> <p>PROJECT NO: DA304</p>									
<p>DRAWING TITLE: SECTIONS 4 DOOR&WINDOW SCHEDULE</p>									
<p>QUALITY CHECK</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>		NO.	DATE	BY	DESCRIPTION				
NO.	DATE	BY	DESCRIPTION						
<p>NOTES</p> <p>1. THIS DRAWING IS THE PROPERTY OF RMG DESIGN PRACTICE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE BLOCK. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF RMG DESIGN PRACTICE.</p>									
<p>DEVELOPMENT APPLICATION ISSUE FOR 151 MANSFIELD STREET ROZELLE NSW 2039</p> <p>RMG DESIGN PRACTICE Email: Eng@rmgpract.com</p>									





NO.151

NEW



NO.151

EXISTING

SUN SHADOW
DIAGRAM 21 JUNE 3 PM



DEVELOPMENT APPLICATION ISSUE FOR 151 MANSFIELD STREET ROZELLE NSW 2039



RMG DESIGN PRACTICE
E enquiries@rmgdesign.com

NOTES:

1. THIS DEVELOPMENT APPLICATION IS FOR THE PROPOSED DEVELOPMENT OF THE SITE AS SHOWN ON THE ATTACHED ARCHITECTURAL DRAWINGS AND THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW GOVERNMENT.

2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW GOVERNMENT.

3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW GOVERNMENT.

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5. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW GOVERNMENT.

CLIENT: MR WARREN MRS MERCLIM

PROJECT ADDRESS: 151 MANSFIELD STREET ROZELLE NSW 2039

ORIGINAL MEDIA SIZE: A2

DATE: MARCH 2016

DESIGN & DRAWN BY: RMG/PM

SCALE DATE: MARCH 2016

DESIGN NUMBER: DA607

SCALE: A

DEVELOPMENT APPLICATION ISSUE FOR 151 MANSFIELD STREET ROZELLE NSW 2039

RMG DESIGN PRACTICE
 E info@rmgdesign.com.au

NOTES:
 1. THIS DRAWING IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A CONTRACT.
 2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS.
 3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS.
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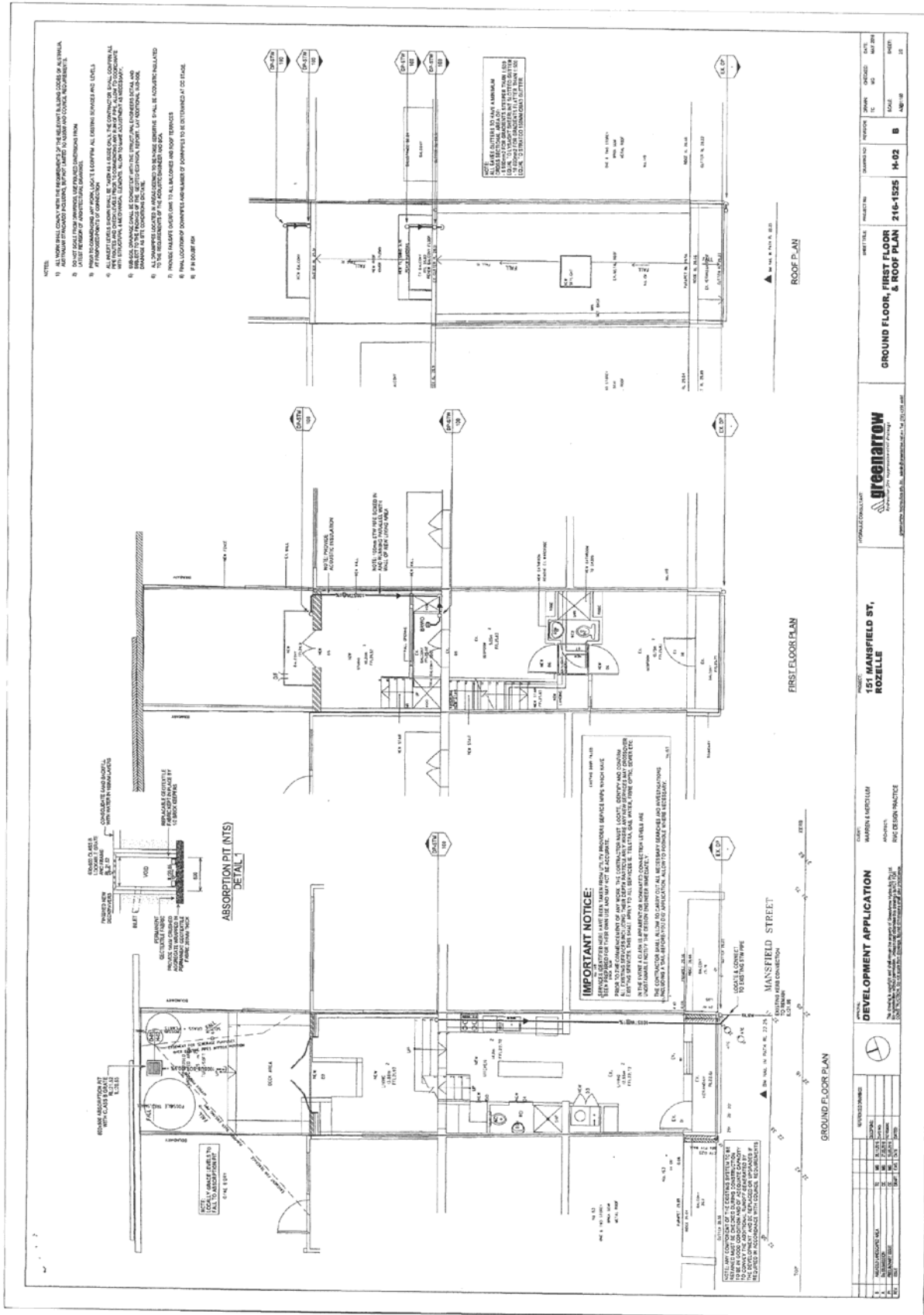
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SCALE: 1:100	DATE: 15/03/2016	PROJECT ADDRESS: 151 MANSFIELD STREET ROZELLE NSW 2039	DATE: MARCH 2016
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DATE: 15/03/2016	DATE: 15/03/2016	ISSUE: DA611	ISSUE: A

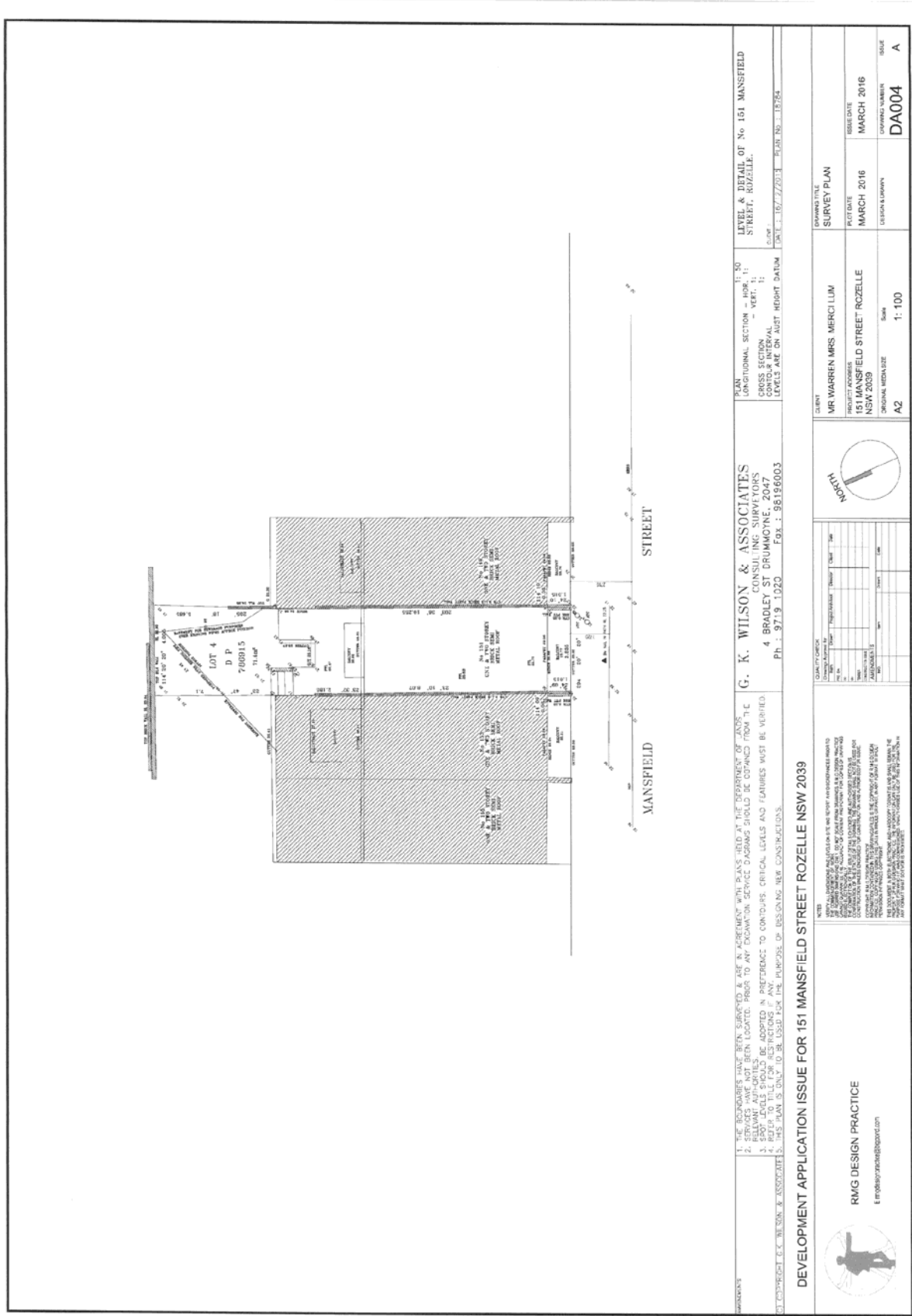
DEVELOPMENT APPLICATION ISSUE FOR 151 MANSFIELD STREET ROZELLE NSW 2039

RMG DESIGN PRACTICE
 E: rmgdesign@optusnet.com.au

NOTES:
 1. THIS DEVELOPMENT APPLICATION IS FOR THE PROPOSED DEVELOPMENT OF THE SITE AS SHOWN ON THE DEVELOPMENT PLAN.
 2. THE DEVELOPMENT PLAN IS SUBJECT TO APPROVAL BY THE LOCAL COUNCIL.
 3. THE DEVELOPMENT PLAN IS SUBJECT TO APPROVAL BY THE STATE GOVERNMENT.
 4. THE DEVELOPMENT PLAN IS SUBJECT TO APPROVAL BY THE COMMONWEALTH GOVERNMENT.
 5. THE DEVELOPMENT PLAN IS SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT.
 6. THE DEVELOPMENT PLAN IS SUBJECT TO APPROVAL BY THE STATE GOVERNMENT.
 7. THE DEVELOPMENT PLAN IS SUBJECT TO APPROVAL BY THE COMMONWEALTH GOVERNMENT.

CLIENT	MR WARREN MRS MERCI LUM
PROJECT	151 MANSFIELD STREET ROZELLE NSW 2039
DATE	MARCH 2016
DESIGNER	RMG/PM
DRAWING NUMBER	DA612
SCALE	A





<p>COMMENTS</p> <ol style="list-style-type: none"> 1. THE DIMENSIONS HAVE BEEN SURVEYED & ARE IN AGREEMENT WITH PLANS HELD AT THE DEPARTMENT OF LANDS 2. RELEVANT AUTHORITY 3. 500' LEVELS SHOULD BE ADOPTED IN PREFERENCE TO CONTOURS. CRITICAL LEVELS AND FEATURES MUST BE VERIFIED. <p>NOT TO SCALE. THIS PLAN IS ONLY TO BE USED FOR THE PURPOSE OF DESIGNING NEW CONSTRUCTIONS.</p>	<p>PLAN LONGITUDINAL SECTION - HORIZ. 1" = 50' CROSS SECTION - VERT. 1" = 10'</p> <p>LEVELS ARE ON AUSTRALIAN DATUM</p>	<p>CLIENT MR WARREN MRS MERCI LUM</p> <p>PROJECT NUMBER 151 MANSFIELD STREET ROZELLE NSW 2039</p> <p>ORIGINAL MEDIA SIZE A2</p> <p>Scale 1:100</p>	<p>DRAWING TITLE SURVEY PLAN</p> <p>PLOT DATE MARCH 2016</p> <p>ISSUE DATE MARCH 2016</p> <p>ISSUE NO. DA004</p> <p>ISSUE A</p>